THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

WP No.31907 OF 1998

DATED 5TH JULY, 2006

BETWEEN:

T. GURUMURTHY, S/o.T. Munuswamy

.....

Petitioner
And

The Deputy Commissioner of Prohibition and Excise,
Ananthapur, Ananthapur District.

.....

Respondent

Order: ***(Per Sri GM,J)***

Heard the leaned counsel for the petitioner and perused the impugned order.

The grievance of the petitioner is that the respondent by the impugned order dated 5-8-1998 confiscated his Spark Moped bearing registration No.ABC 4114 for the alleged offence of possessing 5 litres of ID arrack without notice any opportunity of hearing in the matter. The petitioner further states that the notice said to have been issued by the respondent on 2-7-1997 was not received by him and, therefore, the confiscation of his vehicle in question is illegal and liable to be set aside.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent to issue fresh notice to the petitioner and after affording opportunity of hearing to the petitioner, pass appropriate orders afresh in accordance with law. Till then, the impugned order shall not be given effect to. No costs.

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Ghulam

Mohammed, J

Dated 5th July, 2006

Nrg.